

COPY

July 5, 1955

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Re: Release of Old Age Assistance Liens Filed by Counties

Dear Mr. Barry:

You have inquired as to my opinion relative to any present authority in County Commissioners to release liens originally filed pursuant to section 19 of chapter 127 of the Laws of 1935.

It is my opinion that there is no such authority and proper releases may now be given only by the Department of Public Welfare. I express no opinion herein regarding the necessity for the County to join with the Department in a release so that there may be good record title of any real estate involved.

By said chapter 127 old age assistance was administered locally in each county by the County Commissioners under the general direction and supervision of the old board of welfare and relief. Said section 19 authorized the County Commissioners to file certificates with the proper Registers of Deeds and Town Clerks, creating thereby liens for old age assistance furnished.

In 1937 the entire scheme of administering old age assistance was revised by the Legislature by chapter 202 whereby the Department of Public Welfare was created and assistance no longer administered locally. Section 40 of said chapter 202 specifically repealed chapter 127 of the Laws of 1935, relative to the aged. Chapter 202 of the Laws of 1937 further provided by section 37 that the counties should transfer to the Department such records relative to old age assistance as the old board of public welfare should determine.

C O P Y

James J. Barry

- 2 -

July 3, 1953

It is clear that by the enactment of said chapter 202 it was intended by the Legislature that all functions relative to old age assistance formerly exercised by the counties should be transferred to the State. Administration of the program was transferred from the local level to the Department of Public Welfare and would include the administrative function or duty of release of liens.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD/aml